



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE: METHYL TERTIARY BUTYL  
ETHER ("MTBE") PRODUCTS  
LIABILITY LITIGATION**  
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**CASE MANAGEMENT  
ORDER #46**

**This document relates to:**

**Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88**

*All Cases*  
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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

This Order memorializes the rulings made during the status conference held on December 11, 2008.

1. In the *City of New York* case, employees of the parties who will testify as experts must be disclosed at the same time as other experts. If the employees are not retained under Rule 26, they do not need to furnish an expert report.
2. In the *Orange County* case, the three plumes that plaintiffs dismissed from defendants' selection of ten focus plumes are dismissed without prejudice because the claims relating to those plumes are not ripe. Plaintiffs will not dismiss all claims relating to the seven remaining plumes on defendants' list. Defendants will select three more focus plumes by December 19, 2008

and plaintiffs will inform defendants by January 7, 2009 whether plaintiffs' claims relating to the selected plumes are ripe.

3. In the *New Jersey* case, the parties will provide discovery of all readily available electronic data by February 6, 2009, including all electronically stored site file information. Because no "focus plumes" have been selected, this discovery is statewide. Plaintiffs may not redact information in the site files relating to tests for other contaminants.
4. The next status conference is scheduled for January 15, 2009 at 10.30 a.m.
5. The following status conference is scheduled for February 26, 2009 at 4.30 p.m.

Dated: New York, New York  
January 13, 2009

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

**-Appearances-**

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